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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,011

09/30/2003

Andrew R. Ferlitsch

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09/28/2007

KIRTON & MCCONKIE

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EXAMINER

HUNTSINGER, PETER K

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

09/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/677,011	<b>Applicant(s)</b> FERLITSCH, ANDREW R.	
	<b>Examiner</b> Peter K. Huntsinger	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/30/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/04, 2/04</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14-20 are directed to a computer program product. For claims 14-20 to be statutory, the applicant must state "A computer readable medium storing a computer program product" (or equivalent), not a program comprising a computer readable medium.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frolik '804 in view of well known prior art.

Referring to claim 1, Frolik '804 discloses in a printing environment, a method for specifying application specific printing requirements for an arbitrary printing device, the method comprising:

providing a printing device having a plurality of default device setting sets (col. 2, lines 18-26, printer settings);

configuring one of the default device setting sets by selectively associating an application specific name with one of:

- (i) a standard default setting set; and
- (ii) an application specific default setting (col. 2, lines 3-10, user-selected sets are associated with the application or globally associated with the computer system);

identifying which of the default device setting sets are to be used in rendering a particular print job (block 349 of Fig. 6, col. 9, lines 22-34, checks for application specific printer settings).

Frolik '804 does not disclose expressly rendering the print job without a fully compatible printer driver or a printer definition.

Official Notice is taken that it is well known and obvious at the time of the invention to utilize a printer driver that is not fully compatible with the printer or a printer definition (See MPEP 2144.03). The motivation for doing so would have been to utilize a generic printer driver/definition so as to not require installing the specific driver/definition when a generic one is readily available. Therefore, it would have been obvious to combine well known prior art with Frolik '804 to obtain the invention as specified in claim 1.

Referring to claim 2, Frolik '804 discloses wherein the plurality of default device setting sets comprise:

- (i) a factory default setting set;
- (ii) the standard default setting set; and

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(iii) the application specific default setting set (col. 5, lines 6-16, default preferences).

Referring to claim 3, Frolik '804 discloses wherein the step for identifying which of the default device setting sets are to be used in rendering a particular print job is performed based on a characteristic of the print job (block 349 of Fig. 6., col. 9, lines 22-34, document and application specific printer settings).

Referring to claim 4, Frolik '804 discloses the characteristic is one of:

- (i) a job name;
- (ii) a user name;
- (iii) a document name;
- (iv) an account code; and
- (v) a department code (col. 9, lines 22-34, document specific printer settings).

Referring to claim 5, Frolik '804 discloses wherein the step for configuring one of the default device setting sets is initiated by at least one of:

- (i) a web page;
- (ii) a print job; and
- (iii) input received at a front panel of the printing device (col. 8-9, lines 63-67, 1-13, printer settings selection made after document to be printed is downloaded).

Referring to claim 6, Frolik '804 discloses wherein the step for configuring one of the default device setting sets is initiated by a device management protocol (col. 9, lines 60-65, considered a device management device protocol because the program configures printer settings of the printer).

Referring to claim 8, Frolik '804 discloses the application specific default setting but does not disclose expressly using a flag to prevent the application specific default setting from being changed.

Official Notice is taken that it is well known and obvious at the time of the invention to utilize a flag to prevent information from being changed. The motivation for doing so would have been to prevent unintentionally changing information. Therefore it would have been obvious to combine well known prior art with Frolik '804 to obtain the invention as specified in claim 8.

Referring to claim 9, Frolik '804 discloses associating an application specific name with the application specific default setting to create a named default setting (col. 2, lines 3-10, user-selected sets are associated with the application); and

allowing the standard default setting set to be unchanged (col. 7, lines 50-55, user need not change the global printer settings).

Referring to claim 10, Frolik '804 discloses configuring the print job based on the named default setting; and

modifying the named default setting by a job specific setting (block 343, col. 9, lines 14-21, document specific printer settings).

Referring to claim 11, see the rejection of claim 1 above.

Referring to claim 12, see the rejection of claim 2 above.

Referring to claim 13, Frolik '804 discloses wherein the print job is one of:

- (i) a fax job;
- (ii) a scan job;

(iii) a copy job; and

(iv) a document management job (col. 2, lines 27-31, document retrieval).

Referring to claim 14, see the rejection of claim 1 above.

Referring to claim 15, see the rejection of claim 2 above.

Referring to claim 16, see the rejection of claim 3 above.

Referring to claim 17, see the rejection of claim 4 above.

Referring to claim 18, see the rejection of claim 5 above.

Referring to claim 19, see the rejection of claim 9 above.

Referring to claim 20, see the rejection of claim 10 above.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frolik '804 and well known prior art as applied to claim 1 above, and further in view of Taniguchi '707.

Referring to claim 7, Frolik '804 discloses utilization of the application specific default setting. Frolik '804 does not disclose expressly an authentication procedure.

Taniguchi '707 discloses an authentication procedure (S609 of Fig. 6, col. 7, lines 21-23, user inputs password). At the time of the invention, it would have obvious to a person of ordinary skill in the art to perform an authentication procedure. The motivation for doing so would have been to allow the user to keep desired information secret. Therefore, it would have been obvious to combine Taniguchi '707 with Frolik '804 and well known prior art to obtain the invention as specified in claim 7.

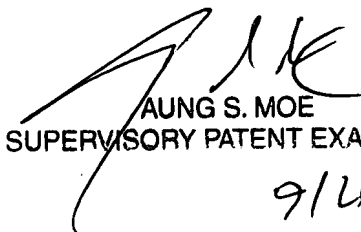
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH



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SUPERVISORY PATENT EXAMINER  
9/26/07